

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRENT ALAN BRIGNER, et al.,

Plaintiffs,

v.

CLAYTON KEN WALKER, et al.,

Defendants.

No. 1:21-cv-00526-DAD-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITHOUT PREJUDICE DUE TO
PLAINTIFFS' FAILURE TO PAY THE
FILING FEE, PROSECUTE, AND OBEY
COURT ORDER

(Doc. No. 3)

Plaintiffs initiated this action by filing a complaint in this court on March 26, 2021, but they failed to pay the required filing fee associated with the bringing of the action. Accordingly, on March 31, 2021, the assigned magistrate judge directed plaintiffs to pay the filing fee as required or file a motion to proceed *in forma pauperis* in this action. (Doc. No. 2.) To date, plaintiffs have neither filed a motion to proceed *in forma pauperis* nor paid the required filing fee.

Accordingly, on May 12, 2021, the magistrate judge issued findings and recommendations recommending that this action be dismissed without prejudice due to plaintiff's failure to pay the filing fee or submit an application to proceed *in forma pauperis*, failure to prosecute this action, and failure to comply with the court's order. (Doc. No. 3.) The findings and recommendations were served on plaintiffs and contained notice that any objections thereto were to be filed within

1 fourteen (14) days after service. (*Id.* at 2–3.) To date, no objections to the pending findings and
2 recommendations have been filed, and the time in which to do so has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 findings and recommendations are supported by the record and proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on May 12, 2021 (Doc. No. 3) are
8 adopted in full;
- 9 2. The action is dismissed, without prejudice, due to plaintiffs’ failure to pay the
10 filing fee or submit an application to proceed in forma pauperis, failure to
11 prosecute this action, and failure to obey the court’s order; and
- 12 3. The Clerk of Court is directed to close this case.

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14 IT IS SO ORDERED.

15 Dated: **June 14, 2021**

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18 UNITED STATES DISTRICT JUDGE
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